

OLSEN, McIFF & CHAMBERLAIN

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RECEIVED

APR 12 1990

April 10, 1990

WATER RIGHTS
SALT LAKE

Mr. Robert L. Morgan, P.E.
Utah State Engineer
1636 West North Temple, Suite 300
Salt Lake City, Utah 84116

Re: Sevier River Regulatory
Stream Dispute

Dear Bob:

Since a dispute has re-occurred or been revived by someone approaching your office about the use of the Regulatory Stream (documented at pages 10 through 15 of the 1968 Sevier River Yearbook) I have undertaken to commit to memorandum style my recollection of the history of the adoption of this Regulatory Stream in the interest of having the State Engineer either determine that the regulatory stream as it appears in the yearbook is an effective agreement between the parties because of contemporaneous construction and practical adaptation to it or simply on the basis that a regulatory stream is the only practical way to administer the river.

I would appreciate your comments on this.

I have included a statement made by Ed Clyde in a letter to me dated March 2, 1964 which, although it is a statement which should be considered as an expression of the position Ed and I took in the litigation nevertheless I think that it spells out the issue very precisely and might be of benefit for you to read.

OLSEN, McIFF & CHAMBERLAIN
April 6, 1990
Page 2

I am sending a copy of this to Thorpe Waddingham representing the DMAD Companies as well as to the two River Commissioners and to Virge Brown, President of the Otter Creek and Executive Director of the A to L Users.

Best personal regards

OLSEN, McIFF & CHAMBERLAIN

By 

Ken Chamberlain

KC:sb

Encl.

cc: Thorpe Waddingham, w/enclosure
Ray Owens, Sevier River Commissioner, w/enclosure
Roger Walker, Sevier River Commissioner, w/enclosure
Virge Brown, w/enclosure